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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,921	08/28/2003	Makoto Kondou	NECY 20.612	2081
26304	7590	05/06/2005		EXAMINER
KATTEN MUCHIN ROSENMAN LLP			FRANKLIN, JAMARA ALZAIDA	
575 MADISON AVENUE				
NEW YORK, NY 10022-2585			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/652,921	KONDOU, MAKOTO	
	Examiner Jamara A. Franklin	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-9 is/are allowed.
- 6) Claim(s) 18, 19 and 21-24 is/are rejected.
- 7) Claim(s) 10-17 and 20 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8/28/03</u> .	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

Acknowledgment is made of the preliminary amendment filed on 8/28/03. Claims 1-24 are currently pending.

***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

2. Claims 10 and 20 are objected to because of the following informalities:  
in claim 10, lines 16-17, substitute "it is determined" with --a determination is made--;  
and  
in claim 20, line 9, substitute "it is determined" with --a determination is made--.  
Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 18, 19, 21, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyagawa (US 6,412,692).

Miyagawa teaches a recording medium recording a program for preventing unauthorized use of a ballot card in an electronic voting system including:

an accepting apparatus which issues a ballot card (ID card) in accordance with a vote acceptance request (col. 7, lines 34-59), and

at least one voting apparatus which performs voting processing in accordance with a vote request using the ballot card (col. 9, lines 16-62),

the program being constituted by a program for executing:

a procedure for recording acceptance time on the ballot card when the ballot card is issued (col. 5, lines 9-15), and

a procedure for, when the ballot card is to be issued, recording, on the ballot card, a voter ID which is information for uniquely identifying a voter using the ballot card (col. 7, lines 34-49);

a medium wherein the program further comprises a program for executing

a procedure for finishing voting processing,

a procedure for recording the voter ID, recorded on the ballot card, as a voter ID list, and

a procedure for making a search to check whether a voter ID as a search target is recorded on the voter ID list (col. 10, lines 38-43).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyagawa in view of Lohry et al. (US 5,758,325) (hereinafter referred to as 'Lohry').

The teachings of Miyagawa have been discussed above.

Miyagawa lacks the teaching of a program for executing a procedure for erasing a voter ID list.

Lohry teaches a program for executing a procedure for erasing a voter ID list (col. 10, lines (col. 7, lines 14-24).

One of ordinary skill in the art would have readily recognized that erasing the voter ID list would have been beneficial for the invention of Miyagawa for maintaining voter privacy. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Miyagawa with the aforementioned teaching of Lohry to secure the voting process.

***Allowable Subject Matter***

7. Claims 1-17 are allowable over prior art.

8. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: regarding independent claims 1 and 10, although the Miyagawa invention teaches a method and device for identifying a voter, the prior art of record fails to teach, or fairly suggest either alone or in combination thereof, an electronic voting system and method of preventing unauthorized use of a ballot card which uses the electronic voting system including the step of before performing voting processing upon reception of a vote request, determining whether or not a preset timeout time has elapsed from an acceptance time recorded on the ballot card to the time of voting.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Drexler et al. (US 5,412,727) teach an anti-fraud voter registration and voting system using a data card.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571) 272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jaspara A. Franklin  
Examiner  
Art Unit 2876

JAF  
April 27, 2005

MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800